

To properly anticipate Applicants' claimed invention under 35 U.S.C. § 102(b), each and every element of the claim in issue must be found, either expressly described or under principles of inherency, in a single prior art reference. Furthermore, "[t]he identical invention must be shown in as complete detail as is contained in the . . . claim." See M.P.E.P. § 2121 (8<sup>th</sup> ed., Aug. 2001), *quoting Richardson v. Suzuki Motor Co.*, 868 F.2d 1126, 1236, 9 U.S.P.Q.2d 1913, 1920 (Fed. Cir. 1989). Finally, "[t]he elements must be arranged as required by the claim." M.P.E.P. § 2131 (8<sup>th</sup> ed. 2001), p. 2100-69.

Yamanoue discloses a sound-source controlling device in which the processing load required for interpretation of music data may be varied depending upon the CPU load. In particular, a music sound source device allows the time interval of interpreting music paper data to change without changing the music paper data and without changing the tempo of the reproduced music composition. Further, the processing load of interpretation of the music paper data may be changed responsive to the load imposed on the CPU. See col. 2, lines 56-64. The sound source controller checks the load of the entire video game device including its graphic system by generating interruptions depending upon the determined interruption intervals and by reading the musical score data corresponding to the interruption timing. See col. 9, lines 3-38.

Accordingly, as disclosed by Yamanoue, the interruption timing is determined to correspond to the processing load of the entire game device and a portion of the musical score data is read that corresponds to the determined interruption timing in order to reproduce musical notes. If the interruption interval is short, then the amount of the musical score data that is read per unit of time is decreased. However, if the

interruption interval is long, then the amount of the musical score data that is read per unit of time is increased.

By contrast, Applicants' independent claims 1, 3, and 5 recite a combination including, among other things, "detecting an event in the game processing, wherein the event is associated with a sound," "delaying the sound to synchronize the sound with background music" and "generating the sound associated with the event." Yamanoue does not disclose at least these features of Applicants' claimed invention. Instead, Yamanoue teaches that the amount of the musical score data that is read is decreased for a short interruption interval and that the amount of the musical score data that is read is increased for a long interruption interval.

Applicants' claimed invention, however, recites at least "delaying the sound to synchronize the sound with background music" and "generating the sound associated with the event" (emphasis added). Accordingly, Yamanoue does not disclose at least these features of Applicants' claimed invention. For at least this reason, Applicants respectfully request that the Examiner withdraw the rejection of claims 1, 3, and 5.

Dependent claims 2 and 4 depend from one of allowable claims 1 and 3. These dependent claims are therefore allowable for at least the same reasons as claims 1 and 3. Accordingly, Applicants respectfully request that the Examiner withdraw the rejection of claims 2 and 4.

Applicants' independent claims 6, 10, and 14 include recitations of a similar scope as claims 1, 3, and 5. For example, claims 6, 10, and 14 each recite a combination of elements including, among other things, "detecting an event in the game processing, wherein the event is associated with a melody," "delaying the melody to

synchronize the melody with a progression of an accompaniment” and “generating the melody associated with the event.” These claims are therefore allowable for at least the same reasons as discussed above in relation to claims 1, 3, and 5. Accordingly, Applicants respectfully request that the Examiner withdraw the rejection of claims 6, 10, and 14.

Dependent claims 7, 8, 11, and 12 depend from one of allowable claims 6 and 10. These dependent claims and therefore allowable for at least the same reasons as claims 6 and 10. Accordingly, Applicants respectfully request that the Examiner withdraw the rejection of claims 7, 8, 11, and 12.

#### **CONCLUSION**

Applicants respectfully request that the Examiner consider this response under 37 C.F.R. § 1.116, placing claims 1-8, 10-12, and 14 in condition for allowance. Furthermore, Applicants respectfully point out that the final action by the Examiner presented some new arguments as to the application of the art against Applicant's invention. It is respectfully submitted that the entering the response would allow the Applicants to reply to the final rejections and place the application in condition for allowance.

In view of the foregoing remarks, Applicants submit that this claimed invention is patentable over the prior art references cited against this application. Applicants therefore request the Examiner's reconsideration and reexamination of the application, and the timely allowance of the pending claims.

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Please grant any extensions of time required to enter this response and charge any additional required fees to our deposit account 06-0916.

Respectfully submitted,

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